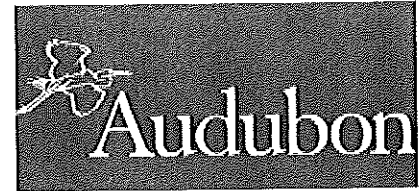


Testimony of:
Save the Sound/CFE &
Audubon CT



**In Opposition of Raised Bill No. 273
AAC THE DISCHARGE OF CERTAIN VESSEL PRESSURE WASHING WASTEWATERS
Before the Environment Committee**

March 8, 2010
Submitted by Leah Schmalz

Save the Sound is a regional program dedicated to the restoration and protection of Long Island Sound; together with its parent organization, Connecticut Fund for the Environment ("CFE"), a statewide non-profit environmental advocacy organization, it represents over 6,500 members. Since 1978, CFE has used law, science and education to improve Connecticut's environment.

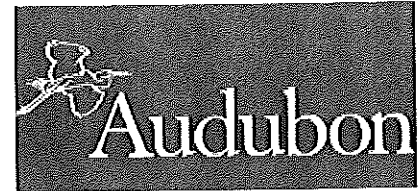
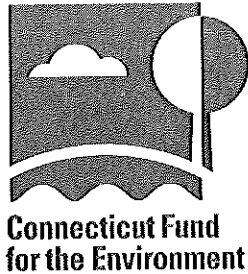
Audubon Connecticut is the state office of the National Audubon Society. Our mission is to further the protection of birds, other wildlife and their habitats through science, education, advocacy and conservation, for the benefit of humanity and the earth's biological diversity.

Dear Sen. Meyer, Representative Roy, and members of the Environment Committee:

Save the Sound, a program of Connecticut Fund for the Environment and Audubon CT submit this testimony in *opposition* to Raised Bill 273, An Act Concerning The Discharge of Certain Vessel Pressure Washing Wastewaters.

Passage of this bill would require that the Department of Environmental Protection issue individual stormwater permits that allow the discharge of untreated pressure washing wastewaters generated by recreational vessel maintenance, provided a few conditions are met. RB 273 has two flaws: it undermines the DEP's permit issuing authority and it appears to unintentionally intertwine two different permit schemes—stormwater management and water discharges not related to stormwater.

Connecticut General Statutes ("CGS") Section 22a-430 requires a permit for all discharges to Connecticut's waters, including stormwater runoff. To reduce expenses and aid compliance, DEP developed the General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Stormwater General Permit") pursuant to CGS



Section 22a-430b. Recently this Stormwater General Permit was modified to include 10 specific sectors, allowing tailored provisions for the wide variety of permittees covered under the broad permit. Stormwater discharges by facilities included in this bill are covered by the marina and boat yard sector of this general permit.

Despite the mention of "stormwater" in Section 1 of RB 273, this bill actually appears to be referring to non-stormwater related, pressure washing activities. Such discharges are not covered by the Stormwater General Permit and, therefore, require compliance with Section 22a-430 and/or other general permits created under 22a-430b. In an effort to address this issue, DEP is working with numerous facilities through a consent order. Not only does the order attempt to bring marinas, yacht clubs, and boat yards into compliance with relevant permit requirements for this process wastewater, it reinforces the differentiation between vessel pressure washing and stormwater by requiring facilities implement best management practices to prevent the comingling of this wastewater with stormwater.

The appropriate method for providing the type of categorical modification, qualification, or exemption proposed in RB 273 is through the DEP permit process, not legislation. However, we do support the attempt to incentivize the use of non-toxic, copper-free compounds in maintaining vessels and look forward to future discussions with the marine trades on how best to accomplish that goal.

Sincerely,

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